

## Region 1 – Goal 3

### **EPA Region 1-New England Office: State and Tribal Issues/Priorities GOAL 3: Land Preservation and Restoration**

1. How information was gathered: The state and Tribal Issues were gathered through multiple channels including: State/EPA Staff meetings, PPA negotiations, Interstate meeting, EPA New England's Annual Enforcement and Compliance Planning Meeting and a direct solicitation to the State Planning/PPA contacts. Also, over the last two years, Region 1 tribes have developed a regional tribal strategic plan, which was used along with review of more recent information that was gathered from the tribes by the Region 1 Tribal TOC representative.

#### 2a. Description of key state issues/priorities:

##### **Functional Equivalency**

EPA's implementation of RCRA authorization has entailed a lengthy process of conducting a line-by-line checklist review that compares state and federal hazardous waste regulations. This practice has created barriers for capable states that enact regulations that are not identical to EPA's program, but which provide equivalent (if not better) levels of public health and environmental protection. This approach to authorization has resulted in significant resource expenditures by both state offices and EPA for protracted discussions that result in little or no environmental value protection value. For example, since the Massachusetts hazardous waste program received base RCRA program authorization in 1985, a continuing series of disputes between the agencies about whether the Massachusetts program was indeed "equivalent" to the federal program have significantly limited the pace at which the Massachusetts program can obtain authorization.

EPA has officially issued guidance for determining when a state program is "functionally equivalent" to the federal program. This guidance is expected to allow states and EPA to focus their resources on resolving issues of significant environmental concern, rather than on discussions about less significant program details. This new guidance needs to be implemented expeditiously, and make its flexibility available to all states in EPA's authorization reviews of state programs.

This issue is relevant to Sub-Objective 3.1.2. To address could require revising a strategic target or adding language to the Means and Strategies Section.

##### **Integration of P2 into all goals:**

A key issue raised by the states' Pollution Prevention (P2) staff is the need to integrate P2 throughout all of EPA's programs, and not just have it be the responsibility of one or two offices. To accomplish this, we recommend that P2 be explicitly addressed as appropriate in each of the Strategic Plan Goals. In addition, or alternatively, P2 could be made a Cross-Goal Strategy. In either case, it is critical that pollution prevention

become part of program offices' objectives and be realized through quantifiable targets as much as possible.

2b. Description of key Tribal issues/priorities

1. Spill prevention and emergency response.
2. Operation of solid waste and recycling programs.
3. Prevention of illegal open dumping.

These issues are related to Sub-Objectives 3.1.1, 3.1.2 and 3.1.2. Addressing them could require development of new strategic targets or additional language with a Tribal Emphasis in the means and strategies section.

## Region 2 – Goal 3

### Region 2 State and Tribal Input to EPA Strategic Plan

#### Goal 3

##### **How information was gathered:**

Region 2's Regional Administrator solicited comments from the State environmental commissioners in New Jersey, New York, Puerto Rico and the Virgin Islands and from the leaders of the seven federally recognized tribes in New York State. States and tribes were provided background information on EPA's revision of its Strategic Plan and were asked a series of questions designed to elicit comments, by goal, on their priorities, emerging issues, priorities that should be added or deleted from the Agency's plan, and any other advice they might have for the Goal Teams. Additionally, all of our staff that interact with their state/tribal counterparts (such as our Tribal coordinator, NEPPS and PPG coordinators, enforcement coordinators, etc.) were encouraged to solicit feedback regarding the Agency's strategic plan revision. We also committed to engage in an ongoing dialogue about priorities with our state and tribal partners, both as the Agency's strategic plan revision proceeds and when we revise our regional strategic plan next year. We received comments from the New York State Department of Environmental Conservation (NYSDEC), the Puerto Rico Environmental Quality Board (PREQB), the Virgin Islands Department of Planning and Natural Resources (VIDPNR) and the Haudenosaunee Environmental Task Force (HETF), representing the Onondaga Nation (the HETF comments were also endorsed by the Tuscarora Nation).

##### **General Comments on EPA Strategic Plan:**

NY stated that the current targets in the current EPA plan at least generally have quantifiable measures for performance that are associated with goals the public can understand. NY suggests that in light of increasingly tight funding, the priority for more cost effective investment in recognizing and providing incentives for sustainable businesses going beyond minimum compliance, pollution prevention and product stewardship should be part of retooling the base regulatory programs, not just an add-on with no funding (i.e. a separate Goal 5.) This is fundamental to the architecture of the 5 goals. The regulatory flexibility necessary to achieve these gains is not evident in the policies of OECA, EPA funding rules nor even the targets established for the media programs in the plan. Current incentives and self-audit policies are also weak, at best. Alignment across EPA offices to support strategic plan goals is critical, otherwise states perceive EPA as speaking with too many different voices on strategic priorities.

Regarding implementation of the strategic plan, NY states that while the states do the majority of work in implementing the goals of the plan, EPA funding to states continues to be cut or unavailable, for example water and wastewater infrastructure, the Resource Conservation Challenge (RCC) initiative, pollution prevention. Fiscal realities undermine the credibility of the commitments made within the strategic plan. Unilateral rescission of grant funding to states, absent a dialogue, is not an approach consistent with the partnership commitments made in the plan.

NY states that EPA has not taken leadership on targets for which a federal lead is most critical because they affect national markets or global transport considerations (e.g. global warming, mercury, electronics waste). This further erodes the credibility of strategic commitments in the plan. These credibility issues ultimately affect the extent to which states will choose to comment on or participate in the strategic planning efforts. NY mentions concern regarding the unknown effects of nanotechnology product expansion in the environment (can affect several goals across media).

The HETF commented that the Strategic Plan should reflect Administrator Johnson's reaffirmation of government-to-government relationships with Nations in the agency Overview and throughout all Goals. Additionally, HETF suggested that EPA should recognize the jurisdiction and interests of the respective Indian Nations in aboriginal territory (i.e., land claim areas). Other comments from HETF are that tribal grants should limit the required matching funds and should provide flexibility to reallocate grant monies to better meet needs; EPA's budget solicitations should include Tribal Consortia (e.g., HETF); and there needs to be better turnaround time by EPA on award notice and money drawdown.

Data concerns arose such as PREQB's suggestion that EPA establish partnerships with local authorities to develop and distribute updated and comprehensive maps on all sources of water and environmental resources in Puerto Rico, for example: Groundwater wells, Surface Water Intakes, Fisheries and Threatened and Endangered Species by geographical area. (Note this is a national issue as GIS data acquisition is done centrally by the Agency).

Regarding energy, NYSDEC states that EPA's current five-goal architecture does not readily provide for energy considerations as a major goal. The quest for renewable energy resources under the Governor's Renewable Portfolio Standard, the expansion of the Green Building Tax Credit Program, the recognition of energy savings accomplishments in the New York Environmental Excellence Awards and Environmental Leaders programs, DEC's role in NYS energy planning and energy security are all priorities relevant to energy which have direct implications for resource consumption, pollution and homeland security. Notwithstanding scattered references to energy conservation, the energy issue has too many environmental implications to be largely deferred to other federal and state energy agencies. The Puerto Rico Environmental Quality Board also suggests that EPA address issues associated with investigating and developing new sources of energy. The Virgin Islands also comments that there is limited focus on energy. Energy conservation should be of higher priority.

The Virgin Islands DPNR finds EPA's current five-goal architecture adequate to capture priorities with the caveat that sufficient support is available on Caribbean issues. VIDPNR commented that global warming and energy conservation are its highest priority issues. Also, it is important to include the Virgin Islands in national programs such as EMAP and Global Change (where they currently are not reflected).

**Comments Specific to Goal 3:**

HETF suggests that there should be a bigger focus on restoration (Goal 3). NYSDEC suggests that Land Preservation makes no recognition of the value of land acquisitions by the states for preservation, a top Governor's priority in NYS and an investment which receives no match or support from EPA.

PRQEB suggests that EPA should develop: Risk Based Corrective Action (RBCA) levels, Maximum Contaminant Levels (MCL's), Contract Required Detection Limits (CRDL's), Contract Required Quantitation Limits (CRQL's).

PREQB also suggests that the strategic plan provide a new approach to contamination investigations, starting at the source.

## Region 3 – Goal 3

### **Region 3, Goal 3: State Regional Issue/Priority Paper**

**1. Information Gathering:** Region 3 hosted a multi-state conference call on September 13, 2005 to discuss overall priorities and met with each Region 3 division director. In addition, state issues and priorities were solicited during the year through bi-annual meetings with State Secretaries in the Fall and Spring and through EPA/state planning meetings. State input is also received through state waste agencies belonging to ATSWMO, which influences the NPM Guidance. Information is gathered within the media specific programs in several different ways such as: 1) State Directors meetings; 2) Monthly state programmatic calls and yearly Goal 3 calls 3) Performance Partnership Agreements/Grants, and 4) grant negotiations, mid and end-of-year reviews.

**2. Description of Key State Issues/Priorities** (Most prevalent among states):

- Multi-Media/ Holistic approach: Collaborating on multi-media solutions to identified environmental problems
- Land Revitalization
- One Cleanup program
- Resource Conservation Challenge

### **Comments on Strategic Plan Architecture**

- Use of the word “conservation” may be more appropriate for the title of the Goal than the word “preservation.”
- “Land Protection and Restoration” should be the title, as discussions of municipal and hazardous wastes would be more appropriate with this title.
- “Protect Land,” rather than “Preserve Land” should be the title of objective 3.1.
- Include abandoned mine land and its treatment and reclamation in this goal.
- Move subobjective 4.2.3, Assess and Cleanup Brownfields, from Goal 4 to Goal 3 and have subobjective 3.2.2, Cleanup and Reuse Contaminated Land, with subobjective 4.2.3.
- Oil program should be more prominent in Goal 3, currently in 3.2.1.
- Add growth issues including reforestation and environmentally responsible development, which is already in the plan, to Goals 3 and 4.
- Move Waste Minimization/Pollution Prevention from objective 5.2. to be with Resource Conservation Challenge in subobjective 3.1.1, Reduce Waste Generation and Increase Recycling, because Waste Minimization/Pollution Prevention is related to Resource Conservation Challenge.

## Region 4 – Goal 3

### **Goal 3 Region 4 State and Tribal Regional Issue/Priority Paper**

#### **How information was gathered**

The Region sent a letter to the Region 4 State Commissioners requesting their input on the strategic plan and their programmatic priorities. As a supplement to the letter discussions were held between Region 4 and State waste program staff.

#### **Description of key state issues/priorities**

The relationship among the eight States and the Region continues to be aligned with Regional priorities for land preservation and restoration as presented in the current EPA and Region 4 Strategic Plans. Management of hazardous/solid waste property relies substantively on grant funding and contract support in Superfund and on an aggressive RCRA process administered by the by seven of our States through the authorized RCRA program. delegation. All eight States mirror the priorities of the Region, even though in Superfund we focus on NPL sites and States on State-lead sites, and in RCRA through the commitments consistent with the authorized Subtitle C program. delegations. EPA and States collaborate positively.

Building on common priorities, specific initiatives have been emphasized by the States; these can be beneficial to other States as well:

- a. One of the key priority activities expressed by all the States is the “clean up and restoration of properties” and its leveraging of private funds to revitalize abandoned or underutilized (brownfields discussed in our Goal 4 paper) or contaminated properties arising out of Superfund, RCRA, UST, Federal Facilities programs. The State of North Carolina’s creation of regional open space plans, Florida’s “Florida Forever,” and Kentucky’s PACE and Heritage Land Conservation Fund Board Initiatives represent programs which are models of possibilities to focus public and private efforts to conserve land and waters for multiple benefits.
- b. FY05 was the first year our HQ program negotiated Regional specific measurable outputs to support the National program commitments. These goals were factored into the FY05 negotiations with States in the RCRA program. They were not specifically factored into the FY05 negotiations in the Superfund program, however they will be negotiated in both programs as part of the FY06 award. These GPRA goals were not factored into our FY05 grant negotiations with the States, but will be negotiated as part of the FY06 award. The States are fully aware and in agreement with the FY06 RCRA permitting and Corrective Action goals and National program commitments as outlined in the National Program Guidance. In the Superfund program, t The States are in a

transition from establishing and developing response programs to implementing site specific assessment and cleanup activities. Thus, they have been reluctant committing to a specific number of assessments and cleanups as part of their response program. The National Program Guidance has not clearly identified the State's role in EPA's national priorities for addressing Brownfields. This will need to be articulated clearer in the future to identify the State's role and contribution to this Strategic Plan.

c. In the upcoming Fiscal Year a number of Regions, through a funding from HQ, will implement a comprehensive scrap tire management program. The inventory of sites and appropriate controls over scrap tires can benefit all States.

d. Partnership of the States with other federal agencies (DOE and DOD) also have seen success and continues to emphasize comprehensive land preservation and restoration for this and upcoming Fiscal Years.



Region 5 – Goal 3

**State and Tribal Regional Issues/Priorities  
in regard to the  
Revision of the U.S. EPA's 2006 – 2011 Strategic Plan**

**Region 5  
Goals 1, 3, 4, and 5**

How information was gathered

Region 5 sought input from the states in the Region through a direct solicitation to the state members of the Region 5/State Planning Work Group and through program to program contacts between Region 5 program managers and their state counterparts. Region 5 sought input from the tribes in the Region through a direct solicitation to the environmental coordinators for each tribe and through discussion in the Regional Tribal Operations Committee.

Description of key state and tribal issues/priorities

None of the Region 5 states or tribes has, to date, identified any issues or priorities for the revision of the U.S. EPA's strategic plan for 2006 – 2011.

Region 6 – Goal 3

No Goal 3

## Region 7 – Goal 3

### **REGION 7 STATE/TRIBAL INPUT TO EPA STRATEGIC PLAN**

#### **Goal #3**

**Source of Input:** Region 7 convenes a meeting of the state environmental directors twice yearly. The issue of joint planning & priority setting is always foremost on the agenda. In this way, every six months we verify the continuing validity of existing priorities and general environmental issues that were established in the development of the state PPA (All region 7 states have PPAs & PPGs with both state environmental and agriculture departments). These discussions are also held at the program level annually as regional and state program counterparts negotiate the work plans for PPGs and other discrete environmental grants.

Tribal priorities and concerns are also developed and verified on an ongoing basis. Senior management meets quarterly the ROC, and these meetings are supplemented by monthly conference calls in which all 7 tribes participate. Field visits by regional staff average at least one per month. Planning & priority setting are always part of the visits. In addition, four of the tribes have PPGs and these comprehensive work plan negotiations generate a plethora of information regarding crucial tribal issues.

Finally, on September 20, 2005 Region 7 convened a 90 minute conference call of the Regional Planning Council which included planning representatives of all the states & tribes to discuss specifically this OCFO exercise.

**Overarching Concerns About EPA Plan:** We began with general comments. IA opened with the comment that the EPA Strategic Plan, 2003-2008, is entirely too long. The others were in agreement that 239 pages is too much. It was proposed that if the current length is required to satisfy GPRA, the OMB and the Congress, then a shorter, more user friendly version might be developed for public consumption and broad management purposes. Most participants felt that the plan was not remotely strategic, but was a five year operating plan.

NE commented that national priorities shouldn't drive regional priorities and cited as an example the absence of blue-green algae (which is a real priority for NE). Another was "small communities." It was observed that the language was present in the plan, but concrete action and projected results were absent. The plan needs to permit the flexible development of local strategies. While they agreed that this is technically possible, the reality seems to be overshadowed by the national emphasis. The general view was that we have what is allegedly a "bottoms up" process but a "top down" product.

MO remarked that the measures were difficult to interpret. Do they represent targets that are aggregated nationally or one target to be met in each state?.

The Tribal rep. remarked that the environmental problems encountered by the tribes were not specifically reflected in the plan. However he said that the National Tribal

Council (NTC) had no specific recommendations at the moment. It was merely an observation.

MO said that we desperately need a unified, simple reporting system so that what we're accomplishing gets recorded. The other states and the tribes heartily agreed. This point came up several times in slightly different contexts.

Several states noted that there are too many activity measures (more like an operating plan than a strategic plan). Need to have a few key measures and leave the nitty-gritty to the states. (This relates to the general comment regarding the length of the plan.)

In conclusion, there was a fairly unanimous opinion that the Plan had little relevance for the states & tribes. What counts is the money, and it is difficult to see a clear connection between the plan and the budget. The Agriculture interests in the region also feel that any strategies, but particularly those which feature "Stewardship" (which stresses individual responsibility) demand a greater stress on timely and relevant stakeholder communication regarding regulations and practices.

**Specific to Goal 3:** MO felt there should be more emphasis on federal facilities. KS noted that the new Energy Act contains regulations regarding tanks and thinks our plan should be revised to reflect that. There seems to be some question about the ability of seals on older tanks to handle ethanol. MO felt that in the area of Environmental Emergency Response states were conspicuous by their absence. KS said plan must be revised to deal with decrease in Superfund money.

## Region 8 – Goal 3

### Goal 3: Land Preservation and Restoration

#### Synthesis of State and Tribal Priorities and Issues --- U.S. EPA, Region 8

**1. Information source:** Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to collect initial information on state priorities. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

#### **2. Description of state and tribal issues and priorities:**

**Restoration and remediation of contaminated land:** Restoration and remediation of abandoned mine lands, active mining sites, sites contaminated by leaking underground storage tanks and contaminated industrial sites is a key state priority. Because of federal statutes in place for the abandoned mine lands and active mine restoration programs, there is little flexibility in how those programs are managed. Work is also ongoing to identify innovations in technical approaches to facilitate more progress in these areas within existing resource constraints. The revised Strategic Plan should address the cross-program clean up approaches, as well as the large amount of state and EPA resources necessary to revitalize large geographic areas affected by the legacy of mining in the West. Region 8 states are faced with this type of clean up challenge, as well as many other western states.

#### **Increase EPA direct implementation presence and tribal capacity:**

It is a priority for tribes that to increase EPA's DI presence and each tribes' environmental core program capacity for addressing solid and hazardous waste issues and ensuring compliance with UST/ASTs. Sub-objective 3.1 should be expanded to address capacity building for tribes to develop and implement solid and hazardous waste codes, including the ability to enforce them, and to develop and implement solid waste management plans.

**Aging solid waste infrastructure:** Assess operating conditions and fund repair/replacement of aging solid waste infrastructure in collaboration with other federal agencies and tribes. In order to address the growing demand for infrastructure improvements, tribes need more funding from the capacity development program. One approach may be to involve tribes in the decision-making process at the same level that states are involved. Objective 3.1 should address the urgent need to replace aging solid waste infrastructure in Indian country.

**Monitoring of oil facilities in Indian country:** Assist tribes (financial and technical assistance) in developing capability to perform on-site monitoring and inspection of oil facilities (includes tribal inspections before facilities obtain necessary permits).

Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 3.2.

**Conduct homeland security/counter terrorism planning, preparedness and response activities.** Because of EPA's and state's inherent roles in protection human health and the environment from possible harmful effects of certain chemical, biological and radiological materials, states and EPA are actively involved in counter-terrorism planning and response efforts. Under Homeland Security considerations, state DEQs and EPA will assess vulnerabilities in the chemical and industrial facilities, and facilitate outreach regarding risk management, chemical accident prevention provisions, site security and coordination between industries, local responders and local emergency planning communities. In the means and strategies discussion of Objective 3.2, the revised plan should discuss the joint state and EPA roles in homeland security planning, preparedness and response activities, and how EPA communicates and collaborates with states, and local governments.

### **3. Other Cross-Goal Issues:**

**Building State Capacity:** Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

**Standardization of Media Program Databases:** As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information between states and EPA and bring consistency to the data gathered among programs.

## Region 9 – Goal 3

### **Goal 3 - Land Preservation and Restoration**

#### Overall Comments:

- o **It is critical that BAS/APGs/Organizational Assessment measures are aligned to minimize the reporting burden on regions/states/tribes/Pacific Islands and to ensure that we are measuring environmental results.**
- o **Tribes constitute a high priority in Region 9. Key activities to develop and enhance tribal capacity for this goal and the other four goals (including providing adequate assistance and funds for those tribes seeking program approvals, authorizations, delegations, or Tribal Standards) are included in Goal 5, Objective 3 *Build Tribal Capacity*.**

#### Text from current Agency Strategic Plan:

Preserve and restore the land by using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by releases of harmful substances.

#### Objective 3.1 Preserve Land

##### Subobjective 3.1.1 Reduce Waste Generation and Increase Recycling

By 2008, reduce materials use through product and process redesign and increase materials and energy recovery from wastes otherwise requiring disposal.

#### New Input from Region 9, States/Tribes/Pacific Islands:

#### **Suggested change in text for the subobjective:**

**By 2008, reduce materials use and waste generation through product and process redesign, increase material reuse and recycling, and then materials and energy recovery from wastes otherwise requiring disposal.**

**The Franklin Report data we rely on to report progress on the 35% recycling goal is not broken out by State or Region. Regions and States cannot assess progress without State and Regional-specific data. Relying on additional data sources including Biocycle, Chartwell and others - as we move from 2008 to 2011 - would enable to better report progress and assess changes in strategies to achieve the goal. Measures should include: Tons per year recycled, tons per year reduced and/or reused, BTUs saved, Metric Tons GHG reduced.**

**Priority:** Achieve further waste reduction and conservation efforts through effective state waste minimization/recycling programs.

**Impact:** Probably requires no change in architecture.

**Geographic scope:** Region-wide; Arizona, California, Hawaii, Nevada and the Pacific Islands have identified this as a particular priority.

**Priority:** Increase the number of Tribes who have access to a recycling or waste minimization program.

(Note from Region 9: Tribes defined as having access when XX% of the population have access to a recycling or diversion program where two or more streams are collected.)

**Impact:** Probably requires an additional measure/subobjective in the architecture.

**Geographic scope:** Tribes

**Priority:** Increase by XXX%, the number of tribes covered by a current integrated waste management plan.

**Impact:** Probably will require an additional measure/subobjective in the architecture.

**Geographic scope:** Tribes

**Priority:** Increase % of tribal homes with access to waste collection or waste management programs.

**Impact:** Could involve an additional measure/subobjective in the architecture.

**Geographic scope:** Tribes

**Priority:** Increase number of Tribes with waste management enforcement of dumping deterrence programs.

**Impact:** Could involve an additional measure/subobjective in the architecture.

**Geographic scope:** Tribes

**Priority:** Clean, close, or upgrade XXX open dumps and other waste disposal sites in Indian country.

**Impact:** Would involve adding a measure/subobjective to the architecture.

**Geographic scope:** Tribes

**Priority:** Develop a strategy for addressing tire management in the Border Region.

**Impact:** May involve adding a measure/subobjective to the architecture.

**Geographic scope:** Border

**Priority:** Invest in RCC. For example, increase reuse and recycling of construction and demolition debris.



**Information source:** Information for this priority was gathered at recent meetings with the California Integrated Waste Management Board, the Association of State and Territorial Solid Waste Management officials, and with the Regional Tribal Operations Committee.

**Background:** 360 million tons (estimate) of C&D debris are generated annually - compared to 232 million tons of municipal solid waste. Because of growth and construction in Region 9 states, the amount of debris is growing and in specific sectors, there are significant impacts. For example, in California, a seismic retrofit law is forcing many hospitals to rebuild or, in some cases, to close down and deconstruct, generating significant quantities of construction and demolition debris. C&D debris can also result in open dumping/permitting problems in some states (Nevada) or on Tribal lands. Disaster debris is yet another challenge, as the recent hurricanes have highlighted.

**Impact:** Would add a new measure such as, "By 20XX, increase reuse and recycling of construction and demolition debris produced, including disaster debris, by X% from X% in 2004." (Note: EPA's C&D Characterization, coming out this year, can be used to pinpoint percentages.)

**Geographic scope:** Regionwide

Text from current Agency Strategic Plan:

Subobjective 3.1.2 Manage Hazardous Wastes and Petroleum Products Properly

By 2008, reduce releases to the environment by managing hazardous wastes and petroleum products properly.

New Input from Region 9, States/Tribes/Pacific Islands:

**Priority:** Reduce the threat to human health and the environment from petroleum spills by inspecting underground storage tanks on tribal lands once every three years and take appropriate compliance actions to reduce the threat to human health and environment from petroleum spills.

**Impact:** May involve an additional measure/subobjective in the architecture.

**Geographic scope:** Tribes

Text from current Agency Strategic Plan:

Objective 3.2 Restore Land

Subobjective 3.2.1 Prepare for and Respond to Accidental and Intentional Releases

By 2008, reduce and control the risks posed by accidental and intentional releases of harmful substances by improving our Nation's capability to prepare for and respond more effectively to these emergencies.

*New Input from Region 9, States/Tribes/Pacific Islands:*

**Priority: Ensure an effective chemical emergency preparedness program exists in the vulnerable US/Mexico Border.**

**Impact: Could bring about an additional measure/subobjective in the architecture.**

**Geographic scope: Arizona, California, Tribes**

**Priority: Develop effective homeland security programs throughout the Region, with particular attention to port and border security as well as the Islands.**

**Impact: Could require an additional measure/subobjective in the architecture.**

**Geographic scope: Arizona, California, Hawaii, Nevada, Tribes, Pacific Islands**

## Region 10 – Goal 3

### State and Tribal Comments from R10 on Goal 3: Land Preservation and Restoration

#### **Need for funding and technical support to Tribes to develop comprehensive wastewater, sewage, solid and hazardous waste systems:**

In 2003 the full board of the Yukon River Inter-tribal Watershed Council (YRITWC) came together to update its strategic plan by consensus. The most relevant and important goal within our strategic plan states: we will provide information and key support to communities within the Yukon River watershed to develop and implement comprehensive wastewater, sewage, solid and hazardous waste systems and plans leading to affordable and appropriate improvements.

In order to effectively implement this very important goal, we require the long term commitment of the EPA in providing necessary funding and technical support for tribes to be successful. We have established a five year waste plan and would greatly appreciate it if EPA would consider including these components in your long term strategic planning. Recommended key components are:

- Provision of education and key assistance to tribes and relevant agencies;
- Facilitation of key partnerships;
- Development of integrated waste management plans (IWM) plans;
- Funding of the ongoing inventory and needs assessments of solid and hazardous waste, water and sewer systems;
- Facilitation of community-based information exchange;
- Promotion of practical solutions and approaches, and;
- Funding to support appropriate storage, disposal, transport and handling of hazardous and solid wastes.

**Suggested modification to the NSP:** Modify NSP to create a tailored discussion of tribal waste needs, and commit to long-term and dependable funding of a comprehensive wastewater, sewage, solid and hazardous waste system.

**Comment provided by:** The Yukon River Inter-tribal Watershed Council, which is a consortium of sixty-two (62) tribal governments that came together in 1997.

**Need to address Waste Disposal Issues:** The Federal Air Rules for Reservations (FARR) applies within the exterior boundaries of 39 Indian Reservations in Idaho, Oregon and Washington. These federal regulations prohibit burning of most types of wastes. For many reservations, solid waste was dealt with by citizens using burn barrels for daily household wastes. With FARR now in place, there has been a tremendous impact on the underdeveloped tribal solid waste systems. Tribal collection systems now have an influx of solid waste they've not dealt with before, nor are prepared to deal with. A situation of this nature has lent itself well to illegal and open dumping, and tribes are now finding

additional wildcat, or illegal, dumping sites. Many of open dumping areas, and illegal dumping areas, can be found near bodies of water providing a rapid conduit for water contamination which inevitably affects public health and the health of wildlife used for sustenance for many tribal communities.

Regardless of the FARR, Tribes throughout the TSWAN constituency are all dealing with issues of solid waste handling, management, and systematic approaches. Objective 1 under the goal of Preserve and Restore Land cites waste reduction and recycling, but makes no mention of disposal. The vast majority of our tribes have disposal issues, which we will outline below.

- Open dumping is a historical problem for reservations. Attempts have been made by the tribes and by other agencies to identify open dumps on the reservations, but the landscapes are ever changing with new dumping grounds being discovered on a regular basis. Even once identified, there is virtually no money to rid the property of waste, let alone remediate if necessary. Additionally, reservations have found they've been home to dumping from outside of the reservation boundaries. The cost of solid waste disposal in suburban areas has been a driver for non-tribal members dumping on reservation land. Once inside the reservation, it becomes the problem of the tribe and enforcement has no effect.
- Tribal communities are rapidly becoming the breeding grounds for drug manufacturing by mobile drug labs. Since outside police sources cannot make their way onto reservations without invitation from the tribe, and since most tribal police forces are grossly understaffed, illegal drug manufacturers are finding reservations a haven for escaping and eluding law enforcement. The problem created is sites containing high levels of contamination, more illegal dumping, and no tribal dollars to adequately address the problem of how to rid the land and environment of infectivity.
- Most tribes are shifting solid waste disposal systems to a transfer station/longhaul scenario. While there appears to be more ample funding available for design and construction of these facilities, there is a tremendous void in funding for closure of dumpsites once transfer services are made available. Without proper closure of existing open landfills, there exists a strong potential for further contamination and health risks.

**Suggested modification to the NSP:** In consideration of the explanations provided above, it is important that under the goal of Preserve and Restore Land, Objective 2 (Restore Land) a distinct objective be inserted to address the burning issue of cleaning open dumping areas and illegal dumping areas, and proper closure of landfills.

**Comment provided by:** The Tribal Solid Waste Advisory Network (TSWAN), which is a non-profit organization of federally recognized tribes throughout the Pacific Northwest and Alaska who work together to make effective and environmentally responsible solid waste management a priority on our reservations and in our community. One of our primary goals is to work towards sharing technical expertise, information, and opportunities with one another. Our membership includes 20 member tribes and/or tribal consortia.

**Need to Align Measures among States, Tribes, Locals and EPA:** Inherent in EPA's stated desire for greater alignment, joint planning, and coordination is the need for many jurisdictions to share similar measurements and use them to adaptively manage their programs. Idaho is moving away from the traditional bean counting to focus on performance and efficiency measures. EPA should consider the following measurements for waste: (1) Percentage of solid waste management facilities sited and reviewed within required timeframes; (2) Percentage of contaminated sites being actively remediated or under a cleanup schedule; (3) Percentage of known abandoned mines assessed for toxic contamination; (4) Percentage of known mine source releases being controlled; (5) Number of Brownfield sites made available for productive use; (6) Percentage of known hazardous waste handlers inspected; (7) Percentage of time-critical or scheduled hazardous waste permits and/or reviews completed within established timeframes

**Suggested modification to the NSP:** Consider incorporating these measures into the NSP.

**Comment provided by:** State of Idaho

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**How Information Was Gathered:** In July, information on this exercise was presented at the Regional Tribal Operations Committee Meeting. In August, the Acting Regional Administrator sent letters to all the Directors of the State Environmental Programs and all Tribal Leaders requesting input on EPA's National Strategic Plan. Additionally, Region 10 GAP-grant coordinators transmitted similar requests to their tribal contacts. In September, this exercise was discussed at the Pacific Northwest Directors meeting that includes all the Directors of the State Agencies, Region 10's Regional Administrator and Director of the environmental programs for the Province of British Columbia and representatives from Environment Canada.